

House File 2284 - Introduced

HOUSE FILE 2284
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 571)

A BILL FOR

1 An Act relating to various activities regulated and programs
2 administered by the department of public health, including
3 fetal death certification, and optometry, cosmetology,
4 and barbering licensure, and including effective date
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 144.31, Code 2009, is amended to read as
2 follows:

3 **144.31 Medical certification — fetal death.**

4 1. The medical certification for a fetal death shall be
5 completed within ~~twenty-four~~ seventy-two hours after delivery
6 by the physician in attendance at or after delivery except when
7 inquiry is required by the county medical examiner.

8 2. When a fetal death occurs without medical attendance upon
9 the mother at or after delivery or when inquiry is required
10 by the county medical examiner, the medical examiner shall
11 investigate the cause of fetal death and shall complete the
12 medical certification within ~~twenty-four~~ seventy-two hours
13 after taking charge of the case. The person completing the
14 medical certification of cause of fetal death shall attest to
15 its accuracy either by signature or as authorized by rule.

16 Sec. 2. Section 148.3, subsection 1, paragraph a,
17 unnumbered paragraph 1, Code Supplement 2009, is amended to
18 read as follows:

19 A Evidence of a diploma issued by a medical college or
20 college of osteopathic medicine and surgery approved by the
21 board, or other evidence of equivalent medical education
22 approved by the board. The board may accept, in lieu of a
23 diploma from a medical college approved by the board, all of
24 the following:

25 Sec. 3. Section 154.1, Code 2009, is amended to read as
26 follows:

27 ~~154.1 Board defined — optometry — diagnostically~~
28 ~~certified licensed optometrists — therapeutically certified~~
29 ~~optometrists~~ Definitions — optometry.

30 1. As used in this chapter, “board”:

31 a. “Board” means the board of optometry created under
32 chapter 147.

33 b. “Licensed optometrist” means an optometrist who is
34 licensed to practice optometry in this state pursuant to this
35 chapter.

1 2. For the purpose of this subtitle, the following classes
2 of persons shall be deemed to be engaged in the practice of
3 optometry:

4 a. Persons employing any means other than the use of drugs,
5 medicine, or surgery for the measurement of the visual power
6 and visual efficiency of the human eye; persons engaged in
7 the prescribing and adapting of lenses, prisms, and contact
8 lenses; and persons engaged in the using or employing of visual
9 training or ocular exercise for the aid, relief, or correction
10 of vision.

11 b. Persons who allow the public to use any mechanical device
12 for a purpose described in paragraph "a".

13 c. Persons who publicly profess to be optometrists and to
14 assume the duties incident to the profession.

15 ~~3. Diagnostically certified licensed optometrists may~~
16 ~~employ cycloplegics, mydriatics, and topical anesthetics as~~
17 ~~diagnostic agents topically applied to determine the condition~~
18 ~~of the human eye for proper optometric practice or referral~~
19 ~~for treatment to a person licensed under chapter 148. A~~
20 ~~diagnostically certified licensed optometrist is an optometrist~~
21 ~~who is licensed to practice optometry in this state and who is~~
22 ~~certified by the board to use diagnostic agents.~~

23 ~~4. Therapeutically certified optometrists may employ all~~
24 ~~diagnostic and therapeutic pharmaceutical agents for the~~
25 ~~purpose of diagnosis and treatment of conditions of the human~~
26 ~~eye and adnexa pursuant to this subsection, excluding the~~
27 ~~use of injections other than to counteract an anaphylactic~~
28 ~~reaction, and notwithstanding section 147.107, may without~~
29 ~~charge supply any of the above pharmaceuticals to commence a~~
30 ~~course of therapy. Therapeutically certified optometrists may~~
31 ~~prescribe oral steroids for a period not to exceed fourteen~~
32 ~~days without consultation with a physician. Therapeutically~~
33 ~~certified optometrists shall not prescribe oral Imuran or~~
34 ~~oral Methotrexate. Therapeutically certified optometrists~~
35 ~~may be authorized, where reasonable and appropriate, by~~

~~1 rule of the board, to employ new diagnostic and therapeutic
2 pharmaceutical agents approved by the United States food
3 and drug administration on or after July 1, 2002, for the
4 diagnosis and treatment of the human eye and adnexa. The
5 board shall not be required to adopt rules relating to
6 topical pharmaceutical agents, oral antimicrobial agents,
7 oral antihistamines, oral antiglaucoma agents, and oral
8 analgesic agents. Superficial foreign bodies may be removed
9 from the human eye and adnexa. The therapeutic efforts of
10 a therapeutically certified optometrist are intended for the
11 purpose of examination, diagnosis, and treatment of visual
12 defects, abnormal conditions, and diseases of the human eye
13 and adnexa, for proper optometric practice or referral for
14 consultation or treatment to persons licensed under chapter
15 148. A therapeutically certified optometrist is an optometrist
16 who is licensed to practice optometry in this state and who
17 is certified by the board to use the agents and procedures
18 authorized pursuant to this subsection.~~

19 3. Beginning July 1, 2012, all licensed optometrists shall
20 meet requirements as established by the board by rule to
21 employ diagnostic and therapeutic pharmaceutical agents for
22 the practice of optometry. All licensees practicing optometry
23 in this state shall have demonstrated qualifications and have
24 obtained certification to use diagnostic and therapeutic
25 pharmaceutical agents as a condition of license renewal.

26 4. A licensed optometrist may do any of the following:

27 a. Employ cycloplegics, mydriatics, and topical anesthetics
28 as diagnostic agents topically applied to determine the
29 condition of the human eye for proper optometric practice or
30 referral for treatment to a person licensed under chapter 148.

31 b. Employ therapeutic pharmaceutical agents for the purpose
32 of diagnosis and treatment of conditions of the human eye
33 and adnexa pursuant to this subsection, excluding the use of
34 injections other than to counteract an anaphylactic reaction,
35 and notwithstanding section 147.107, may without charge supply

1 any of the pharmaceuticals described in paragraph "a" to
2 commence a course of therapy.

3 c. Prescribe oral steroids for a period not to exceed
4 fourteen days without consultation with a physician. However,
5 a licensed optometrist shall not prescribe oral Imuran or oral
6 Methotrexate. Licensed optometrists may be authorized, where
7 reasonable and appropriate, by rule of the board, to employ new
8 diagnostic and therapeutic pharmaceutical agents approved by
9 the United States food and drug administration on or after July
10 1, 2002, for the diagnosis and treatment of the human eye and
11 adnexa. The board is not required to adopt rules relating to
12 topical pharmaceutical agents, oral antimicrobial agents, oral
13 antihistamines, oral antiglaucoma agents, or oral analgesic
14 agents.

15 d. Remove superficial foreign bodies from the human eye and
16 adnexa.

17 5. The therapeutic efforts of a licensed optometrist
18 are intended for the purpose of examination, diagnosis, and
19 treatment of visual defects, abnormal conditions, and diseases
20 of the human eye and adnexa, for proper optometric practice
21 or referral for consultation or treatment to persons licensed
22 under chapter 148.

23 Sec. 4. Section 154.10, Code 2009, is amended by striking
24 the section and inserting in lieu thereof the following:

25 **154.10 Standard of care.**

26 Licensed optometrists employing diagnostic and therapeutic
27 pharmaceutical agents as authorized by section 154.1 shall be
28 held to the same standard of care in the use of such agents and
29 in diagnosis and treatment as is common to persons licensed
30 under chapter 148.

31 Sec. 5. Section 157.1, subsection 5, paragraph c, Code 2009,
32 is amended to read as follows:

33 c. Removing superfluous hair from the face or body of a
34 person with the use of depilatories, wax, sugars, threading, or
35 tweezing.

1 Sec. 6. Section 157.1, subsection 12, paragraph c, Code
2 2009, is amended to read as follows:

3 c. Removing superfluous hair from the body of a person
4 by the use of depilatories, waxing, sugaring, tweezers,
5 threading, or use of any certified laser products or
6 intense pulsed light devices. This excludes the practice of
7 electrology, whereby hair is removed with an electric needle.

8 Sec. 7. Section 157.8, subsection 2, Code 2009, is amended
9 to read as follows:

10 2. The number of instructors for each school shall
11 be based upon total enrollment, with a minimum of two
12 licensed instructors employed on a full-time basis for up to
13 thirty students and an additional licensed instructor for each
14 fifteen additional students. A student instructor shall not be
15 used to meet licensed instructor-to-student ratios. ~~However,~~
16 ~~a~~ A school operated by an area community college prior to
17 September 1, 1982, with only one instructor per fifteen
18 students is not subject to this paragraph and may continue to
19 operate with the ratio of one licensed instructor to fifteen
20 students. A student instructor may not be used to meet this
21 requirement.

22 a. A person employed as an instructor in the cosmetology
23 arts and sciences by a licensed school shall be licensed in
24 the practice and shall possess a separate instructor's license
25 which shall be renewed biennially. An instructor shall file
26 an application with the department on forms prescribed by the
27 board. ~~Prior to licensure, an applicant for an instructor's~~
28 ~~license shall have been actively engaged in the practice for a~~
29 ~~period of two years and complete a course of study required by~~
30 ~~the board or an instructor's course at a school for cosmetology~~
31 ~~arts and sciences, and meet any other requirement established~~
32 ~~by the board.~~ Requirements for licensure as an instructor
33 shall be determined by the board by rule.

34 b. The application for an instructor's license shall be
35 accompanied by the biennial fee determined pursuant to section

1 147.80.

2 Sec. 8. Section 158.4, subsection 2, Code 2009, is amended
3 to read as follows:

4 2. The department may issue a temporary permit ~~for the~~
5 ~~purpose of demonstrating barbering upon recommendation of the~~
6 ~~board~~ which allows the applicant to practice barbering for
7 purposes determined by rule. The board shall determine and
8 state its recommendations and the length of time the temporary
9 permit issued under this subsection is valid.

10 Sec. 9. REPEAL. Section 152B.13, Code Supplement 2009, is
11 repealed.

12 Sec. 10. EFFECTIVE DATE. The sections of this Act amending
13 sections 154.1 and 154.10 take effect July 1, 2012.

14 EXPLANATION

15 This bill contains revisions to a variety of programs and
16 licensing provisions administered by the department of public
17 health.

18 The bill amends Code section 144.31 to extend the deadline
19 for fetal death certification from 24 hours to 72 hours, making
20 this requirement consistent with the time frames for other
21 death certifications.

22 The bill amends Code section 148.3 to allow the submission of
23 medical education documentation previously submitted to another
24 state's licensing authority rather than having to provide the
25 actual diploma.

26 The bill repeals Code section 152B.13, establishing the
27 board of respiratory care. Similar language exists in Code
28 chapter 147, which regulates health professions generally.

29 The bill amends Code sections 154.1 and 154.10, relating to
30 the practice of optometry, effective July 1, 2012. On that
31 July 1, 2012 date, the amendment requires optometrists to
32 meet board requirements to employ diagnostic and therapeutic
33 pharmaceutical agents. The bill eliminates the option of
34 preparation and certification at the diagnostic level only, and
35 requires every optometrist to demonstrate qualification and

1 certification to use both diagnostic and therapeutic agents as
2 a condition of license renewal.

3 The bill amends Code section 157.1 by adding the practice
4 of threading to the scope of practice of cosmetology and
5 esthetics. The bill also amends Code section 157.8, by
6 providing that a student instructor does not count toward
7 meeting the instructor-student ratio detailed in that Code
8 section. In addition, the bill strikes specific licensure
9 requirements and provides that licensure requirements for
10 instructors will be determined by rule.

11 Code section 158.4 allows the department to issue a
12 temporary barbering permit for persons who are demonstrating
13 barbering techniques. The bill empowers the department to
14 determine by rule the reasons for which a temporary permit may
15 be issued.